

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:)	Chapter 11
)	
EASTERN LIVESTOCK CO., LLC)	Case No. 10-93904-BHL-11
)	
Debtor.)	Hon. Basil H. Lorch III

**APPLICATION FOR APPROVAL OF EMPLOYMENT OF
DONALD B. FOGLE, C.P.A. AS CONSULTANT TO CHAPTER 11 TRUSTEE**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), respectfully moves this Court for an order, substantially in the form attached hereto as Exhibit A, authorizing the Trustee to employ Donald B. Fogle, C.P.A. ("Fogle") as consultant to the Trustee in the above-captioned chapter 11 case ("Chapter 11 Case"). In support of this Application for Approval of Employment of Donald B. Fogle, C.P.A. as Consultant to Chapter 11 Trustee ("Application"), the Trustee respectfully represents the following:

1. The Trustee wishes to employ Fogle as a consultant in the Chapter 11 Case in order to perform accounting functions with respect to the confirmed plan of Eastern Livestock Co., LLC and distributions to claimants holding allowed claims.
2. The Trustee selected Fogle because Fogle has practical experience in establishing a means of efficient recordkeeping of receipts and distributions and can provide this service at a practical cost so as to minimize administrative costs to the Debtor's estate. Accordingly, the Trustee believes that Fogle is well qualified to serve as consultant to the Trustee in the Chapter 11 Case.
3. Fogle will assist the Trustee and Trustee's counsel with the following matters:
 - (a) Develop, implement, and maintain a system to track distributions to claims from multiple sources;

- (b) Develop and prepare reports for the Trustee to inform the Court and creditors on the collection of collateral and non-collateral receipts;
- (c) Prepare post confirmation operating reports;
- (d) Reconcile operating and escrow bank accounts; and
- (e) Such other matters as the Trustee may request.

4. Fogle is disinterested as that term is defined in 11 U.S.C. § 101. A copy of Fogle's engagement letter is attached as Exhibit B. He neither represents nor holds any interest adverse to the interests of the bankruptcy estate with respect to the matters on which he is to be employed. Except as disclosed in the *Affidavit Of Donald B. Fogle In Support Of Application For Approval Of Employment Of Donald B. Fogle, C.P.A. As Consultant To Chapter 11 Trustee ("Fogle Affidavit")* attached as Exhibit C, Fogle has no affiliation with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee. Fogle has been employed in similar capacities by the Trustee in other cases.

5. Subject to Court approval, and in accordance with section 330(a) of the Bankruptcy Code, and any order authorizing interim compensation procedures by this Court, the Trustee desires to employ Fogle on an hourly fee basis, plus reimbursement of all actual and necessary expenses incurred by Fogle in connection with this engagement. Fogle's standard hourly rate is \$110/hr. Fogle will receive a retainer of \$2,200.00 which will be applied to his final bill. The Trustee believes the proposed rates and retainer are reasonable.

6. No actual conflict of interest exists with respect to Fogle's proposed employment as consultant to the Trustee.

WHEREFORE, the Trustee respectfully requests that his employment of Fogle as consultant in this case be approved, and for all other just and proper relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Dustin R. DeNeal

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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